

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOHN HARDNEY,

11 Plaintiff,

No. CIV S-02-1518 FCD JFM P

12 vs.

13 T.L. ROSARIO, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff has requested the appointment of counsel. The United States Supreme  
17 Court has ruled that district courts lack authority to require counsel to represent indigent  
18 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In  
19 certain exceptional circumstances, the court may request the voluntary assistance of counsel  
20 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);  
21 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court  
22 does not find the required exceptional circumstances. Plaintiff's motion for the appointment of  
23 counsel will therefore be denied.

24 /////

25 /////

26 /////

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's July 5, 2007 motion for  
2 the appointment of counsel is denied.

3 DATED: July 30, 2007.

4  
5   
6 UNITED STATES MAGISTRATE JUDGE

7 /mp/001  
8 hard1518.31  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26